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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* CHRISTOPHER W. BLACKBURN, RORY L. BLOCK,  
THOMAS A. GENTLES, VIKRAM SWAMY, and  
TERRY D. WARKENTIN

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Appeal 2010-002775  
Application 10/802,701  
Technology Center 3700

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Before: JOSEPH L. DIXON, JEAN R. HOMERE, and STEPHEN C. SIU,  
*Administrative Patent Judges.*

DIXON, *Administrative Patent Judge.*

DECISION ON APPEAL<sup>1</sup>

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from a rejection of claims 1-5, 7, 11-20, and 24. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The claims are directed to time service in a service-oriented gaming network environment. (Title). "Additionally, gaming devices, service providers and other entities on a gaming network frequently need to determine the time, and may need to have their time values relatively closely synchronized when participating in a gaming network environment." (Spec.

2). Appellants' invention relies upon:

[t]he Gaming Services Framework comprises a set of services, protocols, XML schemas, and methods for providing secure gaming system functionality in a distributed, network based architecture. It is intended to be a service-oriented framework for gaming and property management based upon internetworking technology and web services concepts. Specifically, it supports a loosely coupled architecture that consists of software components that semantically encapsulate discrete functionality (self contained and perform a single function or a related group of functions - the component describes its own inputs and outputs in a way that other software can determine what it does, how to invoke its functionality, and what result to expect). These components are distributed and programmatically accessible (called by and exchange data with other software) over standard internetworking protocols (TCP/IP, HTTP, DNS, DHCP, etc.).

(Spec. 2-3). Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method for providing a time service in a gaming network including gaming machines, the method comprising:

sending service information for the time service from the time service to a discovery agent on the gaming network, wherein the time service provides a global time reference for one or more of a plurality of clients on the gaming network, the clients including a plurality of gaming machines, wherein in response to a wager at a gaming machine of the plurality of gaming machines the gaming machine depicts indicia representative of a randomly selected outcome of a wagering game;

determining by the discovery agent if the time service is authentic and authorized; in response to determining that the time service is authentic and authorized, publishing service information to a service repository to make the time service available on the gaming network;

receiving by the discovery agent a request for the location of the time service from a client of the plurality of clients;

returning the service information for the time service to the client; and

processing one or more service requests between the client and the time service, said service requests conforming to an internetworking protocol, wherein the requests include a request for the global time reference using the service information.

## REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Gatto	US 6,916,247 B2	Jul. 12, 2005
Abrams	US 2003/0208638 A1	Nov. 6, 2003
Hendrickson	US 2004/0087367 A1	May 6, 2004

## REJECTIONS

Claims 1-5, 7, 11-20, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gatto, Abrams, and Hendrickson. Ans. 3.

## ISSUES

Has the Examiner set forth a sufficient initial showing of obviousness? Specifically, does the Gatto reference teach or fairly suggest the claimed "determining by the discovery agent if the time service is authentic and authorized"?

## PRINCIPLES OF LAW

### *Obviousness*

"On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness." *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998) (citation omitted).

Section 103 forbids issuance of a patent when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains."

*KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007).

In *KSR*, the Supreme Court emphasized "the need for caution in granting a patent based on the combination of elements found in the prior art," and discussed circumstances in which a patent might be determined to be obvious. *Id.* at 415 (citation omitted). The Court reaffirmed principles

based on its precedent that “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.* at 416. The operative question in this “functional approach” is thus “whether the improvement is more than the predictable use of prior art elements according to their established functions.” *Id.* at 415, 417.

### CLAIM GROUPING

Appellants argue the patentability of the claims on appeal as a single group by arguing the rejection of claim 1. In accordance with 37 C.F.R. § 41.37(c)(1)(vii), we consider the claims on appeal as standing or falling with representative claim 1.

### ANALYSIS

Appellants set forth arguments addressing independent claims 1 and 15 and all the dependent claims as a single group. (App. Br. 13). Therefore, we select independent claim 1 as the representative claim and will address Appellants' arguments thereto.

Appellants argue:

In general, the independent claims recite systems and methods that provide a three party handshake for providing a time service on a wagering game network. The time service first sends service information to a discovery agent, the discovery agent authorizes and authenticates the time service and in response publishes the service information. A client such as a wagering game machine desiring to use the time service obtains the service information from the discovery agent and uses the service information to contact the time service. Appellant respectfully submits that when the claims are considered as a whole, the cited references do not teach or suggest the present invention as claimed in the independent claims.

(App. Br. 13). We find Appellants' arguments to be incommensurate in scope with the express language of independent claim 1. Therefore, Appellants' arguments are not persuasive of error in the Examiner's showing of obviousness.

Appellants argue that the Gatto reference does not teach or fairly suggest the claimed "determining by the discovery agent if the time service is authentic and authorized" and disagrees with the examiner's interpretation of the teachings of the Gatto reference. (App. Br. 13). Appellants contend that the cited portion of Gatto refers to authentication of communications between devices and a server and the cited portion of Gatto does not mention authorization of any kind and further that communications are authenticated and not "services". (App. Br. 13).

Appellants argue that the:

claimed subject matter has the advantage that it determines whether or not a service is authorized and authentic before the service's details are ever published and made available on the network. In other words, the claims recite authentication and authorization of the service itself, not communications. Thus column 2, lines 59-61 of Gatto fails to teach or suggest determining by the discovery agent if the time service is authentic and authorized.

(App. Br. 14). We note that Appellants' arguments only address that portion of the teachings of Gatto, and we further note that Gatto at column 12, lines 11-13 (just prior to the cited portion of Gatto), teaches that the "APIs not only defined the exchange of information between the adjacent modules but also defined how one module may provide services that may be consumed by the other." Further, at column 13, Gatto teaches "components once having a clearly defined APIs may be controlled instead by components via

a LAN ... [a] more modern control model is object-oriented, whereby a module may offer network services for consumption by other modules." We find that cited portion of the Gatto reference clearly teaches or suggests the use of services on a network from a server (which the Examiner has equated to the discovery agent) to a client.

Appellants argue that

Third, Gatto, at column 10, lines 55-63 discloses "[t]he authentication engine 834 may include functionality to consult a Certificate Authority (which may be located on a server on the network 102 or on a computer network connected thereto), certify the authenticity of the identification presented, authorize a given operation, ensure data integrity of data exchanged, securely time-stamp the operation (to ensure non-repudiation of the operation) and/or revoke illegal identifications, for example." The cited section indicates that an authentication engine may be used to authenticate identities (presumably of player identification means) or to authorize operations. Again, there is no disclosure of authentication of a service, and further there is no disclosure of authorization of a service. The items cited above all occur after a service has been instantiated.

(App. Br. 14). While we agree with Appellants' recitation of the teachings of the Gatto reference, we disagree with Appellants' presumption that authentic identities are merely "player identification." We find the discussion of the audit engine 832 and the authentication engine 834 earlier in column 10 teaches that the "audit engine 832 compares all devices connected to the gaming machine with a map of authorized regulatory configurations and may alert responsible personnel and/or regulators whenever non-valid device configurations are encountered" (col. 10, ll. 21-25). The authentication engine 834 will "certify the authenticity of the identification presented, authorize a given operation, ensure data integrity of data exchanged, securely time-stamp the operation (to ensure non-



repudiation of the operation) and/or revoke illegal identifications" (col. 10, ll. 58-62), whereby authentication and authorization are both taught and suggested. Clearly, the Gatto reference teaches both functions being used to ensure proper operation.

Appellants argue that there is "no disclosure of authentication of a service and further there is no disclosure of authorization of a service. The items cited above all occur after a service has been instantiated." (App. Br. 14). Again, Appellants' argument is not commensurate in scope with the language of independent claim 1, wherein no instantiation of a service is recited in the claim language.

The Examiner further supports his position that Gatto teaches a discovery agent on a gaming network that achieves the claimed functionality by relying on column 15 lines 54-56 to teach "UDDI nodes enables developers to publish web services and enables their software to search for and bind to services offered by others." We agree with the Examiner's interpretation of Gatto and further find that Appellants have filed no Reply Brief to address the Examiner's embellishment of the rejection.

Appellants' main contention appears to be the differentiation between a "service" and everything else on a network, but Appellants have neither defined a "service" in the language of independent claim 1, nor identified any express definition in the Specification to differentiate the Examiner's proffered application of prior art teachings. Therefore, Appellants' argument is not persuasive of error in the Examiner's showing of obviousness. Appellants further argue that the combination of the three references does not teach determining by a discovery agent if the time service is authentic and authorized. The Examiner maintains that "Gatto teaches a discovery agent on the gaming network that aids in the previously mentioned

functionality (See Col. 15, Lines 54-56 teaching usage of UDDI technology to publish web services and enable software to search for and bind to available services). Thus, Gatto discloses a discovery agent that authenticates and authorizes services on a gaming network.” (Answer 7). Therefore, Appellants' argument is unpersuasive of error in the Examiner's showing of obviousness.

Appellants further argue that the combination of the three references does not "teach or suggest that a discovery service is operable to do the authentication and authorization (with the aid of an authentication and authorization service in some embodiments)." (App. Br. 15). Appellants' argument is not commensurate in scope with the express language of independent claim 1 and is therefore not persuasive of error in the Examiner's showing of obviousness.

### CONCLUSIONS OF LAW

The Examiner did not err in rejecting claims 1-5, 7, 11-20, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Gatto, Abrams, and Hendrickson.

### DECISION

For the above reasons, the Examiner's rejection of claims 1-5, 7, 11-20, and 24 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2010).

**AFFIRMED**

Appeal 2010-002775  
Application 10/802,701

tkl

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